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OK-HEE SHIM (STATE BAR NO. 240998)
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Attorneys for Plaintiff
NOHEMI LAZCANO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOHEMI LAZCANO,)	NO. C05-3396 WHA
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER GRANTING LEAVE TO FILE
v.)	PLAINTIFF'S FIRST AMENDED
)	<u>COMPLAINT</u>
JOHN E. POTTER, IN HIS OFFICIAL)	
CAPACITY AS POSTMASTER)	
GENERAL, UNITED STATES POSTAL)	
SERVICE AND JACK BOSTER, IN HIS)	
INDIVIDUAL CAPACITY,)	
)	
Defendants)	
_____)	

The Plaintiff NOHEMI LAZCANO and Defendant POTTER, by and through their respective counsel, hereby stipulate and agree that Plaintiff LAZCANO may file a First Amended Complaint forthwith.

Good cause exists for this Stipulation in that Plaintiff is dismissing causes of action arising out of state law, and dismissing the United States Postal Service as a Defendant.

By agreeing to this Stipulation, Defendants do not waive any defenses or their right to move to dismiss the allegations pursuant to Rule 12(b)(6).

Dated: January 30, 2006

PRICE AND ASSOCIATES

/s/

PAMELA Y. PRICE, Attorneys for Plaintiff
NOHEMI LAZCANO

Dated: January 30, 2006

KEVIN V. RYAN
United States Attorney
JOANN M. SWANSON
Chief, Civil Division
ABRAHAM A. SIMMONS
Assistant United States Attorney

/s/

ABRAHAM A. SIMMONS, Attorneys for Defendant
JOHN E. POTTER

ORDER GRANTING LEAVE TO FILE AMENDED COMPLAINT

Pursuant to the foregoing Stipulation of the parties, and good cause appearing therefore, **IT IS HEREBY ORDERED** that Plaintiff may file her First Amended Complaint on or before February 7, 2006. The First Amended Complaint shall be served no later than February 7, 2006. Defendants' Answer to the Complaint shall be served and filed no later than February 22, 2006.

Dated: January 31, 2006



HON. WILLIAM H. ALSUP
UNITED STATES DISTRICT COURT